

**IN THE CLAIMS:**

1. (Currently amended) A method of updating firmware in a system component within a data processing system, the method comprising:

~~after transferring~~ responsive to receiving a notification that a transfer of control to a host operating system has been completed, determining, by a service processor, whether a system component of the data processing system has a current level of the firmware; and

responsive to a determination that the system component does not have the current level of the firmware, updating a copy of the firmware stored in the system component in a background operation while the data processing system remains available to a user for other actions.